

PATENT APPLICATION

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re application of

Docket No: Q76049

Hyungyoo YOOK

Appln. No.: 10/685,407

Group Art Unit: 2191

Confirmation No.: 7867

Examiner: Qing CHEN

Filed: October 16, 2003

For: SYSTEM AND METHOD FOR MANAGING AN APPLICATION OR SOFTWARE
COMPONENT FOR USE IN A DEVICE TO BE CONTROLLED IN A HOME
NETWORK

REPLY BRIEF PURSUANT TO 37 C.F.R. § 41.41

MAIL STOP APPEAL BRIEF - PATENTS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In accordance with the provisions of 37 C.F.R. § 41.41, Appellant respectfully submits
this Reply Brief in response to the Examiner's Answer dated September 2, 2010. Entry of this
Reply Brief is respectfully requested.

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STATUS OF CLAIMS

Claims 9-14 and 16 are pending in the application and stand rejected. Claims 1-8, 15 and 17-30 are canceled. **Claims 9-14 and 16 are the subject of this Appeal.**

GROUND OF REJECTION TO BE REVIEWED ON APPEAL

(1) Claims 9, 10, 12-14 and 16 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Davies (US 2002/0073244) and Moonen (WO 02/09350).

(2) Claim 11 stands rejected as being unpatentable over Davies and Moonen, in further view of Motoyama (US 7,058,719).

ARGUMENT

(1) Claims 9, 10, 12-14 and 16 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Davies (US 2002/0073244) and Moonen (WO 02/09350).

In the Appeal brief, the Appellant submitted that Davies and Moonen fail to disclose, “wherein **each of the plurality of controlled devices includes** a home network middleware module for communicating with the application server, and an application management module for installing a new application or managing an already installed application by controlling the application server.”

The Examiner’s basis for the rejection is as follows:

(1) Davies discloses “a plurality of controlled devices . . . wherein each of the plurality of controlled devices includes a home network middleware module for communicating with the application server.” Office Action, p. 13. However, the Examiner concedes Davies fails to disclose wherein each of the plurality of controlled devices includes an application management module for installing a new application or managing an already installed application by controlling the application server. *See* Office Action, p. 5.

(2) Moonen is relied on as teaching “**a bridge device including an application module for installing a new application** or managing an already installed application by controlling the application server.” Office Action, p. 13.

As a rationale for modifying Davies the Examiner alleges it would have been obvious for one of ordinary skill to include the application management module of Moonen in **all of** Davies’ controlled devices in order to automate the installation of application files downloaded from a

central server so the user does not have to manually perform the installations. *See* Office Action, p. 14.

In the Response to Arguments section of the Examiner's Answer, the Examiner provides:

Davies does not teach each of the plurality of controlled devices includes an application management module. Moonen teaches an installation manager (application management module) included in a bridge, which, as acknowledged by the Appellant, is a controlling device that handles installations of software components needed to integrate a new device into a cluster of devices. Therefore, in view of the teaching in Moonen, one of ordinary skill in the art would be motivated to include an application management module in the IP devices of Davies acting as a controlled device in order to automate the installations of application files downloaded from a central sever to the controlled devices without requiring a user having to manually perform the functions

In response, as an initial matter Appellant's have not conceded that Moonen's bridge 118 is a controlled device.

Second, it is irrelevant whether bridge 118 is a controlled device because assuming *arguendo* it is a controlled device, Moonen is clear that only one device, one that acts as a bridge, includes the installation manager 122. In this regard, the Examiner has failed to establish *prima facie* obviousness because even if Moonen's "installation manager 122" could be construed as an application module, it does not teach of including an "installation manager 122" **on each of the plurality of controlled devices**. The Examiner is attempting to gloss over the express teaching in Moonen that the installation manager 112 resides solely on a single device, "bridge 118" that is separate and distinct from any controlled device 104, 106, 108, 112, 114 and 116. Whether or not bridge 118 may be construed as a controlled device, Moonen clearly teaches of including an installation manager 112 on a single device in a system of multiple controlled devices.

There is simply no rationale for including Moonen's installation manager 122 on multiple controlled devices. The Examiner's rationale ignores the function and purpose of Moonen's installation manager 122 as described by Moonen.

First, as illustrated in FIG. 1 of Moonen, the installation manager 112 resides on a bridge 118 that is separate and distinct from devices 104, 106, 108, 112, 114 and 116. In this regard, Moonen only shows using the disclosed "installation manager 122" on bridge 118, **not** on each controlled device of a plurality of controlled devices.

In other words, this installation manager is located on a bridge 118, which hosts translation modules for communicating between each of the plurality of devices. *See* Moonen

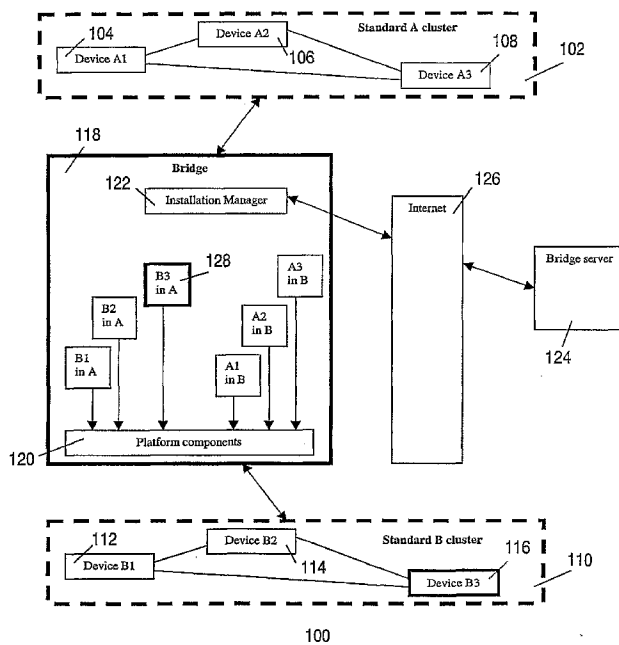


FIG. 1

FIG. 1. In this regard, the installation manager 122 handles the installations of software components needed to integrate a new device (device B 116) into the system 100 when new device B 116 is added. Consequently, Moonen itself includes a plurality of controlled devices, yet fails to disclose including the installation manager 122 on multiple devices. **Accordingly, the Examiner's supporting rationale to combine contrasts with the exact reference**

relied on for the modification. While the Examiner contends it would be obvious to utilize the

installation manager 122 of Moonen on each controlled device of a plurality of controlled devices, Moonen, which also shows a plurality of controlled devices fails to disclose, teach or suggest any such configuration.

Furthermore, as illustrated in FIG. 1 above and as explained on pages 5-7, the bridge 118 is unlike the other devices. For example, for the bridge 118 and the application manager 122 to function properly, a bridge server 124 and a direct connection to the internet 126 is required. *See* Moonen, p. 6. There is simply no basis for including a separate bridge server 118 and internet connection 124 to each of the devices.

Thus, as there is no reason to include the installation manager 122 on a controlled device, let alone each controlled device, the Examiner's rationale to combine fails. Therefore, the Examiner has failed to establish *prima facie* obviousness for at least this reason.

Thus, even if Davies and Moonen could be combined as suggested by the Examiner, the suggested combination fails to disclose all the features recited in claim 9.

Therefore, claim 9 is allowable for at least this reason. Additionally, claims 10-14 and 16 are allowable, at least by virtue of their dependency.

Claim Rejections - 35 U.S.C. § 103(a)

Claim 11 stands rejected as being unpatentable over Davies and Moonen, in further view of Motoyama (US 7,058,719).

Because Motoyama fails to compensate for the above noted deficiencies of Davis and Moonen, Appellant submits claim 11 is allowable, by virtue of their dependency from claim 9.

CONCLUSION

For the above reasons as well as the reasons set forth in Appeal Brief, Appellant respectfully requests that the Board reverse the Examiner's rejections of all claims on Appeal. An early and favorable decision on the merits of this Appeal is respectfully requested.

Respectfully submitted,

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